

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ABDERANMAN MAYO,

Plaintiff,

-against-

SERGEANT REID; SERGEANT
CARRINGTON; A. WASHINGTON; C.O.
E. MALDONADO; M. GONZALES; M.
DEJESUS; J. LIMA,

Defendants.

23-CV-9721 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently incarcerated at Wende Correctional Facility, brings this *pro se* action under 42 U.S.C. § 1983. He asserts claims arising from an incident at Sing Sing Correctional Facility (“Sing Sing”) on April 11, 2023. Plaintiff sues seven defendants employed at Sing Sing. This action was originally filed in the United States District Court for the Eastern District of New York, which transferred it to this Court.

The United States District Court for the Eastern District of New York also transferred to this Court an earlier action, in which Plaintiff also asserted his claims arising at Sing Sing on April 11, 2023. The same seven defendants named in this action were named in that suit, which was opened in this Court under docket number 23-CV-9719. Because this complaint raises the same claims raised in the action pending in this Court under docket number 23-CV-9719, no useful purpose would be served by the filing and litigation of this duplicate lawsuit.¹ Therefore,

¹ If Plaintiff wishes to amend the information included in his complaint, he must do so in an amended complaint in the action under docket number 23-CV-9719, insofar as permitted under Rule 15 of the Federal Rules of Civil Procedure.

this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 23-CV-9719.²

CONCLUSION

The Court dismisses Plaintiff's complaint as duplicative of the action pending in this district under docket number 23-CV-9719 (S.D.N.Y.). The Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). Judgment shall enter.

SO ORDERED.

Dated: November 6, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge

² This duplicate action appears to have been brought in error. The Court therefore directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action, and directs the Warden or Superintendent having custody of Plaintiff not to deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.